(3) SINGLE BENCH

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5981 /2005

PETITIONER

Smt. Dropadi Devi, aged about 50 years, widow of Late Shri Harishankar Panda, residence of Kapu, In front of Middle School, Kapu, Tah. Dharamjaigarh, Distt. Raigarh (Chhattisgarh).

(On A/c. of claims of death of Late Harishankar Panda, Gram Sahayak)

P.R. No. 6107/05
Presented by Shri A.N. Bhalerao
dated 26-11-05

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : Its Secretary, Department of Social Welfare and Rural Development, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Collector, Distt. Raigarh (C.G.)
3. The Deputy Director, Deptt of Social Welfare and Village Panchayat, Raigarh (CG)
4. Executive Officer, Janpad Panchayat, Dharamjaigarh, District Raigarh (C.G.)
5. The Accountant General, State of Chhattisgarh, Raipur (C.G.)

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(4)

(2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA,

(43)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..WP.No.5.981/05. **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

27.6.2006

Heard Shri A.N. Bhakta, Advocate for the petitioner.

Shri Sumesh Bajaj, Government Advocate for the State.

Shri S.K. Beriwal, Central Government Standing Counsel for respondent No.5.

Return on behalf of respondent No.5 has already filed.

Earlier the matter was listed on 3.2.2006 and on that day learned Additional Advocate General with Shri Ashutosh Singh Kachhawaha, Dy. Government Advocate appeared on behalf of the State. On that day the Court while placing reliance on the Hon'ble Supreme Court's judgment has directed that retrial benefits be paid to the petitioner within a period of three months from that date and in case it is not possible, the respondents should assign the reasons. Thereafter, the matter was directed to be listed on 31.3.2006 and on that date learned counsel for the State sought two weeks' time to file the return, but so far no return has been filed.

Today, Shri Bajaj, Govt. Advocate appears on behalf of the State and submits that a time may be granted to file the reply.

This matter pertains to retrial benefits to the petitioner, who is widow of Late Harishankar Panda who died in harness in the year 1999 while working as Gram Sahayak in Gram Panchayat Kapu and since then the petitioner is running pillar to post, but so far not a single penny has

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been paid to the petitioner in respect of retrial benefits i.e. GPF, gratuity, leave encashment, insurance, benefit of 5th Pay Commission and that too in spite of the Court's order dated 3.2.2006 whereby respondent No.3 was directed to decide the case of the petitioner regarding retrial benefits within a period of three months and if they have any objection, then they should come forward with those objections, but so far nothing has been done by the respondents.

Reply has been filed on behalf of respondent No.5 in which it has been mentioned that on the recommendation of respondent No.3-Deputy Director, Panchayat & Social Welfare Department, Raipur an authority for payment of an amount Rs.1,21,523/- was issued to the Deputy Director, Panchayat & Social Welfare Department on 14.10.2003. Thereafter, again an authority regarding residual balance of Rs.2441/- was issued on 16.12.2005, even then the amount of Rs.1,23,964/- has not been paid to the petitioner.

Learned counsel for the petitioner submits that the marriage of petitioner's daughter has been fixed in the 1st week of July of this year.

This is a pathetic case which shows the indifferent attitude of the respondent authorities in not deciding the claim of a widow of Gram Sahayak who worked till his death under the respondent authorities and they have not come forward even in spite of the Court's order that why

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आदेश पत्रक (पूर्वानुबद्ध)

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the payment is not being made to the petitioner. The conduct of the respondent authorities deserves serious condemnation.

It is therefore, directed that the respondent authorities particularly respondent No.3- Deputy Director, Panchayat & Social Welfare Department, Raipur to immediately release the amount of GPF i.e. Rs.1,23,964/- along with interest to the petitioner for which an authority has already been given by respondent No.5-Accountant General Office and interest @ 8.5%,which is said to be admissible as on date, on that amount upto the date of disbursement be also paid to the petitioner.

As far as question regarding rest of the retrial benefits is concerned, respondent No.2 & 4 are directed to decide the case of the petitioner in respect of other retrial benefits within a period of three months from today, failing which the petitioner shall be entitled to move this Court again by filing an application in the matter. The petitioner is also entitled for the cost of this petition to the tune of Rs.2,000/-, which shall be paid to her along with the GPF amount.

With the aforesaid directions, the petition stands disposed of.

Consequently, M.W.P. No.4756/06 & I.A. No.9951/06 also stand disposed of.

Certified copy today.

Sd/-
L.C. Bhadoo
Judge